



6/8/04

MESSAGES FROM THE HOUSE

SB 626 (Van Woerkom)

SB 626 would allow students studying theology or divinity to also receive the state scholarship/financial aid funding. Currently, theology and divinity students are not eligible for the aid.

- The Senate reconsidered passage of SB 626 [no RC].
- Van Woerkom 1 (1 amend) was withdrawn.
- Van Woerkom 2 (1 amend) was adopted [no RC].
- The Senate concurred with the House changes to SB 626, as amended by the Senate [RC 356: 36 yes, 0 no].

BUDGETS

SB 1194 (Johnson)

SCHOOL AID SUPPLEMENTAL

SB 1194 would provide \$50.1 million in funding for K-12 public education.

- Jelinek 1 (S-1) was adopted [no RC].
- SB 1194 was moved to 3rd Reading.
- SB 1194 passed [RC 357: 37 yes, 0 no]. Immediate Effect was given to the bill [RC 359: 36 yes, 0 no].

FINAL PASSAGE

SB 1244 (Cropsey)

SB 1244 would provide that a court may appoint a personal representative to supervise the disposition of the body of a decedent who had insufficient assets to pay for a funeral and who died intestate (without a will) and without heirs. The duties of this personal representative may include, but are not limited to, making arrangements with a funeral home and determining the disposition of the body by burial or cremation. This bill is necessary to provide procedures for burial or cremation of poor individuals that die without a will.

Support: Funeral Directors Association.

- **SB 1244 passed [RC 358: 37 yes, 0 no].**

SB 1261 (Bishop)

SB 1262 (Patterson)

SB 1263 (Sanborn)

SB 1261 would eliminate the current requirement that the State Court Administrative Office (SCAO) help develop the bi-annual report prepared by the Automobile Theft Prevention Authority. Current law provides that by July 1 of every odd numbered year, the Automobile Theft Prevention Authority shall prepare a report that details the theft of automobiles occurring in this state, assess the impact of the thefts on rates charged for automobile insurance, summarizes prevention programs, and outlines allocations made by the authority.

- **SB 1261 passed [RC 360: 37 yes, 0 no].**

SB 1262 would remove the State Court Administrative Office (SCAO) and add “the appropriate court” from required notification from each community mental health services program of the list of hospitals contracted to receive and detain individuals under protective custody. Currently, each community mental health services program shall notify the Department of Mental Health and the State Court Administrative Office of the hospitals designated to receive and detain individuals under protective custody.

- **SB 1262 passed [RC 361: 37 yes, 0 no].**

SB 1263 would eliminate the requirement that the State Court Administrative Office (SCAO) shall establish paper quality and durability standards for arrest warrants.

- **SB 1263 passed [RC 362: 37 yes, 0 no].**

THIRD READING

SB 831 (George)

SB 832 (Hammerstrom)

SBs 831-32 would establish in statute what already is, for the most part, current practice, and help ensure that low-income, vulnerable populations continue to have access to necessary prescription medicines. The bills would provide for the creation of a financially sound preferred drug list that would not place an undue burden on physicians in their prescription options.

Support: National Kidney Foundation, National HIV-AIDS Alliance of MI, Epilepsy Foundation of MI, MI Parkinson’s Foundation, MI Psychiatric Society, MI Assn. for Children with Emotional Disorders, Mental Health Assn. of MI, National Alliance for the Mentally Ill of MI, MI Hospice & Palliative Care Organization, American Cancer Society, American College of Cardiologists, Karmanos Institute, MI Pharmacists Assn., MI Assn. of Physician Assistants.

SB 831 would allow the Department of Community Health to implement a pharmaceutical best practices initiative to control the costs of health care, reduce the costs of prescription drugs, and assure continued access to pharmaceutical services at fair and reasonable prices. If implemented, the initiative would have to include the establishment and maintenance of a preferred drug list, and a prior authorization and appeal process.

- **George 1 (S-1) was adopted.**

- SB 831 was moved to 3rd Reading.

SB 832 would prohibit DCH from requiring prior authorization for all anti-anxiety, anticonvulsant, antidepressant, or antipsychotic central nervous system drugs; drugs used to treat certain mental disorders; drugs used to treat HIV, cancer, and hepatitis C; and drugs used in organ replacement therapy.

- Hammerstrom 1 (S-1) was adopted.
- SB 832 was moved to 3rd Reading.

SB 1133 (Birkholz)

SB 1135 (Garcia)

Support: MMA, MI Chemical Council, MML, Chamber, MI Environmental Lab Association --
The package allows for additional review of the current laboratory system within the DEQ and gives commercial labs a way to have their work approved to be used by the DEQ.

Oppose: DEQ -- The role described for the Auditor General is unconstitutional because it is inconsistent with the requirement that audits be post-performance. The DEQ's laboratories must be allowed to operate so that they maintain enforcement capabilities.

SB 1133 would require the DEQ would have to implement a Laboratory Data Quality Recognition Program in order to identify commercial laboratories in the State that the Department considered to be qualified to generate analytical data for submission to the DEQ. The DEQ could charge a commercial laboratory a maximum fee of \$500 for participation in the Quality Recognition Program, to defray the costs of evaluating the lab. If a commercial lab only participated in the Program with respect to certain types of analytical data, the fee would have to be adjusted accordingly, based on a fee scale established by the Department.

- Committee 1 (S-2) was defeated.
- Birkholz 2 (S-3) was withdrawn.
- Birkholz 2 (S-4) was adopted.
- SB 1133 was moved to 3rd Reading.

SB 1135 would create the Laboratory Data Quality Assurance Advisory Council consisting of four members appointed by the Senate Majority Leader and three members appointed by the Speaker of the House. The Council would: 1) monitor and evaluate the Quality Recognition Program, including the structure of quality systems described in Senate Bill 1133, and the appropriate scope of review of those systems and 2) Determine whether the Quality Recognition Program should be retained, revised, or replaced with a laboratory inspection program or a nationally recognized accreditation program.

- Committee 1 (S-2) was defeated.
- Birkholz 2 (S-4) was withdrawn.
- Garcia 3 (S-5) was adopted [no RC].
- SB 1135 was moved to 3rd Reading.

SB 1201 (McManus)

SB 1202 (Hardiman)

SB 1201 would allow multiple Downtown Development Authorities to enter into agreements to work together. Detroit Regional Chamber: Joint DDAs will connect redevelopment efforts between communities. This will

allow for efficiencies in municipal governments and encourage regional development to maximize the impact of local tax dollars.

- SB 1201 was moved to 3rd Reading. No amendments.

SB 1202 would allow a municipality, meaning a city in which an historic district is located, to establish multiple authorities inside a historic district to halt property value deterioration and increase property tax valuation and promote residential and economic growth. Detroit Regional Chamber: The bill would provide historical neighborhoods with a tool to develop more than just an individual site.

- SB 1202 was moved to 3rd Reading. No amendments.

HB 5008 (Huizenga)

HB 5008 would require that motorcycle registrations would expire on the owners birthday rather than March 31st of each year.

- HB 5008 was moved to 3rd Reading. No amendments.

HB 5273 (Casperson)

HB 5273 would change the penalties associated with transporting hazardous waste. Under the bill a person violating the federal law and rules requiring the transport of hazardous waste would be subject to a civil infraction and a fine of not more than \$500. If a person willfully violates the federal law or rules, then upon conviction they are subject to a one-year misdemeanor or a fine of not more than \$500, or both. Further, if a person transporting hazardous waste material without the required permits causes injury or death in the event of a spill, then upon conviction they are guilty of a 1 year misdemeanor or a fine of not more then \$500, or both.

[Prior to September 11th, a violation of this section of law was a 90 day misdemeanor or a \$500 fine, or both. After 9-11, the violation was increased to a 1 year misdemeanor, which is a jailable offense. This means upon issuing the ticket the person is transported to jail for fingerprinting and booking. However, the State Police feel that this is really a “paper offense” and the penalty is worse than the crime.]

- HB 5273 was moved to 3rd Reading. No amendments.

HB 5494 (Julian)

HB 5494 would create the Michigan Law Enforcement Officers Memorial Act to: 1) create the Michigan Law Enforcement Officers Memorial Monument Fund; 2) establish a commission to oversee the fund and the construction of a memorial monument to law enforcement officers slain in the line of duty; 3) prohibit the use of telemarketing to raise funds, limit other fund-raising activities, and make it a misdemeanor to violate these provisions; and 4) provide for the dissolution of the commission and fund after the monument was completed.

- Cropsey 1 (4 amends) was adopted.
- SCHAUER 2 (1 amend) was withdrawn.
- HB 5494 was moved to 3rd Reading.

HB 5502 (Wenke)

HB 5503 (BYRUM)

HB 5504 (CONDINO)

HB 5505 (Koetje)

STREAMLINED SALES TAX PACKAGE

Together, HBs 5502-05 would authorize the state's participation in the Streamlined Sales Tax Project, a multi-state effort to simplify and modernize sales and use tax collection and administration as a means of reducing the burden of collecting those taxes on sellers, thereby increasing compliance with the taxes.

Support: Michigan Association of School Boards, Michigan Manufacturers Association, MFT-SRP, Michigan Small and Rural Schools Association, Michigan Association of School Administrators, Grand Rapids Area Chamber of Commerce, Auto Dealers Association of Michigan, Oakland Schools, Detroit Regional Chamber of Commerce, Michigan Chamber of Commerce, AT&T, CIT Technologies, and the Michigan Association of Grocers.

HB 5502:

- Cassis 1 (1 amend) was adopted. Changed effective date from 7/1/04 to 9/1/04.
- BERNERO 2 (2 amends) was withdrawn.
- BERNERO 3 (3 amends) was defeated.
- HB 5502 was moved to 3rd Reading.

HB 5503:

- Cassis 1 (1 amend) was adopted. Changed effective date from 7/1/04 to 9/1/04.
- BERNERO 2 (2 amends) was defeated.
- BERNERO 3 (3 amends) was defeated.
- HB 5503 was moved to 3rd Reading.

HB 5504:

- BRATER 1 (1 amend) was withdrawn.
- HB 5504 was moved to 3rd Reading.

HB 5505:

- Cassis 1 (1 amend) was adopted. Changed effective date from 7/1/04 to 9/1/04.
- HB 5505 was moved to 3rd Reading.

HB 5647 (Howell)

HB 5674 (Acciavatti)

HB 5716 (MEISNER)

HB 5928 (CONDINO)

HB 5932 (LIPSEY)

HB 5647 would authorize a court to defer sentencing and place an individual on probation in a drug court program, without entering a judgment of guilt, if the individual were eligible for a drug court program.

- HB 5647 was moved to 3rd Reading. No amendments.

HB 5674 would allow a court to order a person into a drug court program if he or she qualified for a deferral and dismissal of charges for domestic assault.

- HB 5674 was moved to 3rd Reading. No amendments.

HB 5716 would allow the family division of circuit court to order a juvenile to participate in a drug treatment court.

- **HB 5716 was moved to 3rd Reading. No amendments.**

HB 5928 would clarify that a health professional practicing while under the influence of controlled substances or alcohol or for parental kidnapping (both of which are eligible for discharge and dismissal for a first offense) could include participation in a drug treatment court program. Also, the bill would ensure that a court, police agency, or prosecutor could have access to the non-public record that must be created for sentences imposed for certain crimes eligible for discharge and dismissal. This is important because offenders can only receive one discharge and dismissal; therefore, it is important that these officials have access to the records to determine eligibility for participation in a drug treatment court program.

- **HB 5928 was moved to 3rd Reading. No amendments.**

HB 5932 would update the list of statutes for which the non-public records are kept for discharge and dismissals to include the discharge and dismissal provision proposed by Senate Bill 998.

- **HB 5932 was moved to 3rd Reading. No amendments.**

HB 5681 (Shackleton)

HB 5681 would update the penalties applicable to a person who would “cut, peel, damage, destroy, or remove a tree” from Mackinac Island. It would also create in statute penalties for operating a motor vehicle within the state park.

Support: History, Arts, and Libraries, Mackinac Island State Park Commission, MI Environmental Council.

- **Birkholz 1 (1 amend) was adopted [no RC].**
- **HB 5681 was moved to 3rd Reading.**

HB 5730 (Taub)

HB 5731 (MCCONICO)

HB 5730 would allow the Ryder Cup to qualify for an international sporting event liquor license. The bill would increase the license fee from \$100 to \$1,000. The license revenue is split between the State (45%) and local governments (55%).

- **HB 5730 was moved to 3rd Reading. No amendments.**

HB 5731 would allow the Major League Baseball All-Star game (2005), Super Bowl (2006), the National College Athletic Association Final Four (2008), and the Professional Golfers Association Championship (2008) to qualify for an national sporting event liquor license.

- **Committee 1 (S-3) was adopted.**
- **HB 5731 was moved to 3rd Reading.**